

From: Guerino Cento <cento@centolaw.com>
Subject: Re: Midkiff - Documents and Depositions [ODNSS-OGL.003445.000368]
Date: March 24, 2021 at 1:56 PM
To: Martin, Bonnie L. <bonnie.martin@ogletree.com>



Bonnie:

Are we going to be getting your objections to the notice before our call? G

On Mar 24, 2021, at 10:42 AM, Martin, Bonnie L. <bonnie.martin@ogletree.com> wrote:

Sounds good, thanks.

Bonnie L. Martin | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
111 Monument Circle, Suite 4600 | Indianapolis, IN 46204 | Telephone: 317-916-2118 | Fax: 317-916-9076
bonnie.martin@ogletree.com | www.ogletree.com | [Bio](#)

From: Guerino Cento <cento@centolaw.com>
Sent: Wednesday, March 24, 2021 9:58 AM
To: Martin, Bonnie L. <Bonnie.Martin@ogletreedekins.com>
Cc: Allen, Justin A. <justin.allen@ogletreedekins.com>; Travis Cohron <tcohron@clarkquinnlaw.com>
Subject: Re: Midkiff - Documents and Depositions [ODNSS-OGL.003445.000368]

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4 EST works for me. Here is my conference line info:

Join the call: <https://www.uberconference.com/gjohncento>
Optional dial-in number: 317-325-8883
No PIN Needed
International access numbers available here: <https://www.uberconference.com/international>

G

On Mar 24, 2021, at 9:05 AM, Martin, Bonnie L. <bonnie.martin@ogletree.com> wrote:

Yes, how about 3:30 or 4:00?

Thanks, Bonnie

Bonnie L. Martin | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
111 Monument Circle, Suite 4600 | Indianapolis, IN 46204 | Telephone: 317-916-2118 | Fax: 317-916-9076
bonnie.martin@ogletree.com | www.ogletree.com | [Bio](#)

From: Guerino Cento <cento@centolaw.com>
Sent: Wednesday, March 24, 2021 5:14 AM
To: Martin, Bonnie L. <Bonnie.Martin@ogletreedekins.com>
Cc: Allen, Justin A. <justin.allen@ogletreedekins.com>; Travis Cohron <tcohron@clarkquinnlaw.com>
Subject: Re: Midkiff - Documents and Depositions [ODNSS-OGL.003445.000368]

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Bonnie:

Sorry. I was out sick yesterday. Are you available today to meet and confer? G

G Cento | Cento Law | centolaw.com

"What can be asserted without evidence can also be dismissed without evidence." - Hitch

On Mar 23, 2021, at 3:31 PM, Martin, Bonnie L. <bonnie.martin@ogletree.com> wrote:

G – We have been working to find a time for our 30(b)(6) witness to appear before the settlement conference, and simply have been unable to find an available time. Please let us know your availability tomorrow for a call to meet and confer.

Thanks, Bonnie

Bonnie L. Martin | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

111 Monument Circle, Suite 4600 | Indianapolis, IN 46204 | Telephone: 317-916-2118 | Fax: 317-916-9076
bonnie.martin@ogletree.com | www.ogletree.com | [Bio](#)

From: Guerino Cento <cento@centolaw.com>

Sent: Monday, March 22, 2021 1:15 PM

To: Allen, Justin A. <justin.allen@ogletreedeakins.com>

Cc: Travis Cohron <tcohron@clarkquinnlaw.com>; Martin, Bonnie L.

<Bonnie.Martin@ogletreedeakins.com>

Subject: Re: Midkiff - Documents and Depositions [ODNSS-UGL.003445.000368]

[Caution: Email received from external source]

Assuming we receive your 30(b)(6) objections today, can we schedule our meet and confer for tomorrow at 2:30 EST? What is your availability on Wednesday or Thursday for a call with the Magistrate Judge to discuss the 30(b)(6) deposition date and any unresolved objections?

As for the outside contractor and the ACDV processors, please let me know when we can expect to have those names. Also, I reviewed your document production again. It does not appear that you produced any records made by your outside contractors, aside from maybe the ACDVs. The dispute related records kept by Navient's outside contractor, including, and especially, any communications between it and Navient's Fraud Investigation department, would be responsive to many of our document requests and would be within Navient's control to obtain. Please let me know if you will agree to obtain and produce those documents.

Finally, can you give us a date for the production of the documents identified in the deposition? G

G Cento | Cento Law | centolaw.com

"What can be asserted without evidence can also be dismissed without evidence." - Hitch

On Mar 19, 2021, at 4:19 PM, Allen, Justin A. <justin.allen@ogletree.com> wrote:

G,

We are confirmed for April 7 with Mr. Schatz.

We are unavailable for a call on Monday, but are available Tuesday afternoon between 2:30 – 5:00, should it be necessary to call the magistrate.

We are finalizing our objections to the 30(b)(6) notice and anticipate serving them on Monday. We believe it would be premature to take up any objections with the magistrate before the parties meet and confer, as required by the Local Rules. (And we doubt that any of our objections will require the court's intervention, in any event, but we can cross that bridge if and when we come to it.)

My email below addressed your inquiry regarding documents, i.e., "we will respond shortly and supplement our production, where appropriate." I fully anticipate any supplementation to previous requests will be made in advance of the April 7 deposition.

I have forwarded your email below to my client and will respond to your other inquiries when we are able, but wanted to get you a response on these items today.

Thanks, and have a good weekend,

Justin A. Allen | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
111 Monument Circle, Suite 4600 | Indianapolis, IN 46204 | Telephone: 317-916-2533 | Fax:
317-916-9076
justin.allen@ogletree.com | www.ogletree.com | [Bio](#)

From: Cento Law <cento@centolaw.com>
Sent: Friday, March 19, 2021 9:57 AM
To: Allen, Justin A. <justin.allen@ogletreedeakins.com>
Cc: Travis Cohron <tcohron@clarkquinnlaw.com>; Martin, Bonnie L.
<Bonnie.Martin@ogletreedeakins.com>
Subject: Re: Midkiff - Documents and Depositions

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Let's go with April 7.

What about documents? I will need those well in advance of April 7th. When can we expect them.

Please send the investigator names and contact information. Since you won't produce them for deposition, we will need a 30(b)(1) of f the head of Navient's Credit Bureau Processing Team and any members of that team who played any role in processing any of the 10 ACDVs. Please identify those individuals ASAP and provide dates for those depositions prior to the settlement conference.

As for the 30)(b)(6), I'd like to discuss that with the magistrate. We really need that deposition to be prepared for the settlement conference. Let me know when you could be available for a call with the Magistrate Judge on Monday so I can try to arrange the call with the clerk. Would you like to call into Chambers with me? Let me know. Meanwhile, lease send your objections ASAP so that we might be able to address those objections with the Magistrate as well on the same call.

G

"What can be asserted without evidence can also be dismissed without evidence." - Hitch

On Mar 19, 2021, at 9:09 AM, Allen, Justin A.
<justin.allen@ogletree.com> wrote:

Good morning G,
We have passed your message to our client and are working to respond to your list below. We will respond shortly and supplement our production, where appropriate.

Navient's corporate representative will be Brad Jones, subject to our forthcoming objections regarding certain of the notice topics. Mr. Jones earliest available date for deposition is April 16. We requested availability for dates prior to the settlement conference, but were unable to find one that worked for our client.

Navient objects to the requested depositions of the individuals who responded to the ACDVs as irrelevant to the issues in dispute in this litigation and disproportionate to the parties' needs in discovery. In addition, the ACDVs were handled by outside contractors in the Philippines, so Navient objects to seeking their deposition through Navient. We will produce names and contact information for these individuals (if known) in the event you wish to attempt to subpoena

them.

Finally, Mr. Schatz is available to resume his deposition on April 7-9. Please let us know which date you would prefer.

Thanks,

Justin A. Allen | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
111 Monument Circle, Suite 4600 | Indianapolis, IN 46204 | Telephone: 317-916-2533 | Fax: 317-916-9076
justin.allen@ogletree.com | www.ogletree.com | [Bio](#)

From: Guerino Cento <cento@centolaw.com>
Sent: Friday, March 12, 2021 9:52 AM
To: Allen, Justin A. <justin.allen@ogletreedekins.com>
Cc: Travis Cohron <tcohron@clarkquinnlaw.com>
Subject: Midkiff - Documents and Depositions

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Justin:

Here is a list of documents we believe Navient still needs to produce based on yesterday's deposition testimony:

1. All of the Assignments, including all the notes, description and backend check list fields for each Assignment.
2. All of the notes in Fraud Tracker which have not yet been produced related to both Plaintiff and Plaintiff's brother.
3. All the notes from the CLASS system related to Plaintiff.
4. The documents which show the login allegedly made by Plaintiff, including the documents which show the IP address from which Plaintiff allegedly logged in.
5. The Lexis report allegedly pulled during the processing of Assignment 38274.

I believe all of those documents are already covered by our prior requests for production.

We also need Navient to produce documents which identify the Credit Bureau Processing Team members who processed each of the 10 ACDVs. Also, as to those representatives, we need available dates for their depositions. We would like to take the deposition of the person who processed the first ACDV before the settlement conference. The rest can wait until after.

Finally, where are we on dates for the 30(b)(6) deposition?

G

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